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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/707,291	12/03/2003	David W. Pratt	1053.30	1290
21901	7590	07/14/2006	EXAMINER	
SMITH HOPEN, PA 180 PINE AVENUE NORTH OLDSMAR, FL 34677			CHIN, PAUL T	
			ART UNIT	PAPER NUMBER
			3652	

DATE MAILED: 07/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/707,291

Applicant(s)

PRATT, DAVID W.

Examiner

PAUL T. CHIN

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 April 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings were received on April 25, 2006. These drawings are approved.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Hunkin et al. (4,590,810) in view of Zuk, Jr. (6,913,152).

Hunkin et al. (4,590,810) discloses a bailer comprising a cylindrical main body (10); a valve housing with tapered sidewalls (12,17) secured to a leading end of said cylindrical main body; said cylindrical main body having a trailing end adapted to be engaged by a means (Fig. 1) for lowering said bailer into a body of liquid fluid and for raising said bailer from said body of liquid fluid; a check valve (19) disposed in said valve housing, a bottom-emptying device (see Exhibit A from previous office action, mailed February 16, 2006) having a bottom wall and tapered sidewalls mounted about the bottom wall; periphery of said tapered sidewalls of said bottom-emptying device overlying the tapered sidewalls of said valve housing when said valve housing is fully received within said bottom-emptying device, an aperture formed in said bottom wall; a downspout depending from the bottom wall, said downspout having a lumen in fluid communication with said aperture; a peg mounted in upstanding relation to said bottom wall, said peg being positioned adjacent said aperture. Note that Hunkin et al. (4,590,810) shows a valve housing having upper tapered walls (12) and lower tapered

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walls as shown in figure 1. Exhibit A shows a bottom emptying device having a bottom wall and tapered side walls mounted about the periphery of the bottom wall wherein the bottom wall further having an aperture and a peg (24) mounted in upstanding relation to the bottom wall, and a downspout (23) depending from the bottom wall and being positioned substantially adjacent to the aperture. The downspout (23) has an inner bore or a lumen to allow the fluid flow from the downspout to the desired container. Hunkin et al. (4,590,810) does not show an annular bead on the leading end of the tapered wall and an annular groove in an interior surface of the tapered sidewalls. However, Zuk, Jr. (6,913,152) teaches an annular bead (621) (Fig. 3d) on the leading end of the wall and an annular groove (622) in an interior surface of the sidewalls. Accordingly, it would have been obvious to those skilled in the art to provide an annular bead on the leading end of the tapered wall (18) (Fig. 2) and an annular groove in an interior surface of the tapered sidewalls (22) of Hunkin et al. (4,590,810) as taught by Zuk, Jr. (6,913,152) to securely connect together and to prevent from leaking.

Re claims 4-9, the downspout (23) of Hunkin et al. device is a predetermined diameter, one to four inches, adapted to guide the desired containers (Col. 3, lines 41-66) and Hunkin et al. device is capable of performing the functions such as being guided to a vial or a wide mount container.

Response to Arguments

4. Applicant's amendment and the arguments filed April 26, have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, the arguments are moot in view of a new ground(s) of rejection.

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Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PAUL T. CHIN whose telephone number is (571) 272-6922. The examiner can normally be reached on MON-THURS (7:30 -6:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, EILEEN LILLIS can be reached on (571) 272-6928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



PAUL T. CHIN
Examiner
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